

ORDINANCE NO. 2011-3728

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", BY CREATING A NEW DIVISION 20, "TC NORTH BEACH TOWN CENTER DISTRICTS", CREATING NEW ZONING DISTRICTS TC-1, TOWN CENTER CORE; TC-2, TOWN CENTER MIXED USE; AND TC-3, TOWN CENTER RESIDENTIAL OFFICE; PROVIDING FOR PURPOSE AND INTENT, DEFINITIONS, MAIN PERMITTED, CONDITIONAL, ACCESSORY AND PROHIBITED USES, DEVELOPMENT REGULATIONS, DESIGN REVIEW STANDARDS, AND PARKING REGULATIONS; AMENDING CHAPTER 130, "OFF-STREET PARKING", ARTICLE II, "DISTRICTS; REQUIREMENTS", SECTION 130-31, "PARKING DISTRICTS ESTABLISHED", AMENDING THE BOUNDARIES OF PARKING DISTRICT 4; AMENDING ARTICLE III, SECTION 130-68, "COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES", ADOPTING NEW REGULATIONS IN TC-3 AND GU FOR COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES; AMENDING CHAPTER 138, "SIGNS", ARTICLE V, "SIGN REGULATIONS BY DISTRICTS", SECTION 138-172, "SCHEDULE OF SIGN REGULATIONS FOR PRINCIPAL USE SIGNS"; CREATING A NEW SECTION 138-174, "NORTH BEACH TOWN CENTER SIGNAGE"; AMENDING CHAPTER 142, DIVISION 4, "ALCOHOLIC BEVERAGES", SECTIONS 142-1301 AND 142-1302 TO INCLUDE TC DISTRICTS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Miami Beach Mayor and City Commission adopted the North Beach Town Center Plan by Resolution No. 2007-26600 on July 11, 2007 in order to provide comprehensive guidance for private and public sector initiatives toward redevelopment and revitalization in the area bounded by 73 Street, the Atlantic Ocean, 69 Street, and Indian Creek Waterway; and

WHEREAS, the North Beach Town Center Development Code is proposed to update the zoning and future land use regulations to be consistent with the long-term vision set forth in the North Beach Town Center Plan; therefore, new districts are proposed to be added to Chapter 142, to be known as "TC North Beach Town Center Districts"; and

WHEREAS, the TC North Beach Town Center Districts are intended to:

1. Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-

use areas, and attractive residential living environments with compatible office uses and neighborhood-oriented commercial services.

2. Promote a diverse mix of residential, business, commercial, office, institutional, educational, and cultural and entertainment activities for workers, visitors and residents.
3. Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage and town center businesses.
4. Provide opportunities for live/work lifestyles and increase the availability of affordable office space in the North Beach area.
5. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.
6. Create a place that represents a unique, attractive and memorable destination for residents and visitors.
7. Enhance the community's character through the promotion of high-quality urban design.

WHEREAS, the TC-1 district is intended to encourage and enhance the high-intensity commercial employment center function of the Town Center's core area and its regulations are intended to support the Town Center's role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment while also accommodating mixed-use and residential projects as important components of the area's vitality; and

WHEREAS, the TC-2 district is intended to support medium intensity mixed-use (residential/nonresidential) projects with active retail ground floor uses; and

WHEREAS, the TC-3 district is intended to accommodate low density multi-family residential development and low intensity office and tourist lodging uses, and also accommodating small-scale ground floor neighborhood commercial uses that are compatible with the residential character of the TC-3 district in certain areas designated as TC-3(c) on the zoning map.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1: The City of Miami Beach Code Chapter 142 Zoning Districts and Regulations, Article II District Regulations, Sec. 142-71. Districts Established, is hereby amended as follows:

DIVISION 1. GENERALLY

Sec. 142-71. Districts Established

- (a) *Districts and symbols.* To achieve the purposes of these land development regulations, the Code of the city, and regulate the use of land, water and buildings, height and bulk of buildings and other structures, and population density and open space, the city is hereby divided into the following districts:

Symbol	District
RS-1	Single-family residential
RS-2	Single-family residential
RS-3	Single-family residential
RS-4	Single-family residential
RM-1	Residential multifamily, low intensity
RM-2	Residential multifamily, medium intensity
RM-3	Residential multifamily, high intensity
RM-PRD	Multifamily, planned residential development
CD-1	Commercial, low intensity
CD-2	Commercial, medium intensity
CD-3	Commercial, high intensity
CCC	Convention center district
GC	Golf course district
GU	Government use
HD	Hospital district
I-1	Industrial, light
MR	Marine recreational
MXE	Mixed use entertainment
RO	Residential/office
RO-2	Residential/office low intensity
RO-3	Residential/office medium intensity
TH	Townhome residential
WD-1	Waterway district
WD-2	Waterway district
R-PS1	Residential medium-low density
R-PS2	Residential medium density
R-PS3	Residential medium-high density
R-PS4	Residential high density
C-PS1	Commercial limited mixed use
C-PS2	Commercial general mixed use
C-PS3	Commercial intensive mixed use
C-PS4	Commercial intensive phased bayside
RM-PS1	Residential mixed-use development
SPE	Special public facilities educational
<u>TC-1</u>	<u>North Beach Town Center core</u>
<u>TC-2</u>	<u>North Beach Town Center mixed use</u>
<u>TC-3</u>	<u>North Beach Town Center residential/office</u>
<u>TC-3(c)</u>	<u>North Beach Town Center residential/office with Conditional Neighborhood Commercial</u>

SECTION 2: The City of Miami Beach Code Chapter 142 Zoning Districts and Regulations, Article II District Regulations, is hereby amended by adding Division 20: TC North Beach Town Center Districts, as follows:

DIVISION 20: TC NORTH BEACH TOWN CENTER DISTRICTS

Sec. 142-734. Purpose and Intent

- (a) The North Beach Town Center districts consist of all land bounded by 72 Street, Collins Avenue, 69 Street and Indian Creek Waterway; and consists of three districts: a Town Center Core (TC-1) district, a Town Center Mixed Use (TC-2) district, and a Town Center Residential Office (TC-3) district.
- (b) The overall purposes of the North Beach Town Center districts are to:
 - (1) promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas, and attractive residential living environments with compatible office uses and neighborhood-oriented commercial services;
 - (2) promote a diverse mix of residential, business, commercial, office, institutional, educational, and cultural and entertainment activities for workers, visitors and residents;
 - (3) encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage and town center businesses;
 - (4) provide opportunities for live/work lifestyles and increase the availability of affordable office space in the North Beach area.
 - (5) promote the health and well-being of residents by encouraging physical activity, waterfront access, alternative transportation, and greater social interaction;
 - (6) create a place that represents a unique, attractive and memorable destination for residents and visitors;
 - (7) enhance the community's character through the promotion of high-quality urban design.
- (c) The specific purpose and intent of the three districts in the North Beach Town Center are as follows:
 - (1) TC-1 Town Center Core District. The TC-1 district is intended to promote high intensity compact development that will support the Town

Center's role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment.

- (2) TC-2 Town Center Mixed Use District. The TC-2 district is intended to support medium intensity mixed-use projects with active retail ground floor frontage.
- (3) TC-3 Town Center Residential Office District. The TC-3 district is intended to be a transition between the high intensity Town Center Core and the surrounding low intensity residential multi-family districts, by providing for contextually compatible residential and mixed-use development within an established, pedestrian, bicycle and transit oriented residential environment. Office and tourist lodging facilities are intended to provide a variety of employment opportunities to support the local economy and to reduce the need for long distance home to work vehicle trips. Neighborhood oriented retail and service uses are permissible in certain limited areas of this district, identified as TC-3(c) on the zoning map, and are intended to provide opportunities for small business development and to enliven the pedestrian environment. TC-3(c) is intended to be a subset of TC-3 and all regulations applicable to TC-3 are equally applicable to TC-3(c) except as expressly provided in section 142-736(c)(3).

Sec. 142-735. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) Alley means a paved travel way for vehicles within a block that provides access to the rear of buildings, vehicle parking (e.g., garages), deliveries, utility meters, and recycling and garbage bins. The alley is generally a public right-of-way, but in some cases it may be located on private property with a public access easement.
- (b) Street means all public rights-of-way used for vehicular and pedestrian access, but does not include Alleys.
- (c) Cultural use means a use that engages in the performing arts (including, but not limited to music, dance and theater), or visual arts (including, but not limited to painting, sculpture, and photography), or engages in cultural activities, serves the general public and has a permanent presence in the city.

Sec. 142-736. Main Permitted Uses, Conditional Uses, Accessory Uses, and Prohibited Uses

- (a) Land uses in the TC-1 Town Center Core district shall be regulated as follows:
- (1) The *main permitted uses* in the TC-1 district are commercial uses; apartments; apartment/hotels; hotels. The ground story frontage along 71 Street and Collins Avenue shall be governed by Sec. 142-737(c). The provisions of Sec. 6-4(a)(1) concerning distance separation for consumption of alcoholic beverages on premises in restaurants shall not apply to this district.
 - (2) The *conditional uses* in the TC-1 district are adult living congregate facilities; new construction of structures 50,000 square feet and over (even when divided by a district boundary line), which review shall be the first step in the process before the review by any of the other land development boards; outdoor entertainment establishment, neighborhood impact establishment, open air entertainment establishment, nursing homes; religious institution; video game arcades; public and private institutions; and schools and major cultural dormitory facilities as specified in section 142-1332.
 - (3) The *accessory uses* in the TC-1 district are those uses permitted in article IV, division 2 of this chapter and accessory outdoor bar counters, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, accessory outdoor bar counters located within 100 feet of an apartment unit may not be operated or utilized between 8:00 p.m. and 8:00 a.m.
 - (4) The *prohibited uses* in the TC-1 district are pawnshops, and alcoholic beverage establishments located in any open area above the ground floor (any area that is not included in the FAR calculations), except as provided in this division. However, outdoor restaurant seating, not exceeding 40 seats, associated with indoor venues may be permitted in any open area above the ground floor until 8:00 PM with no background music (amplified or nonamplified).
- (b) Land uses in the TC-2 Town Center Mixed Use district shall be regulated the same as for uses in the TC-1 Town Center Core district.
- (c) Land uses in the TC-3 Town Center Residential Office district shall be regulated as follows:
- (1) The *main permitted uses* in the TC-3 district are single-family detached dwelling, townhomes, apartments and offices.

- (2) The conditional uses in the TC-3 district are hotel, adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; and commercial or noncommercial parking lots and garages (with accessory commercial uses) in accord with Section 130-68(9).
- a. In areas designated TC-3(c) on the zoning map, the following uses may be permitted as conditional uses in addition to the uses in paragraph (2) above: Neighborhood-oriented retail and service uses, limited to 2,500 sq. ft or less per establishment, located on the ground floor of buildings. Such neighborhood-oriented retail and service uses shall be limited to antique stores; art/craft galleries; artist studios; bakery or specialty food stores; barber shops and beauty salons; coffee shop or juice bar; dry cleaner or laundry with off-site processing (dry cleaning receiving station); newspapers, magazines and books; photo studio; shoe repair; tailor or dressmaker; and food service establishments with 30 seats or less (including outdoor café seating) with alcohol limited to beer and wine and closing no later than 12 midnight subject to limitations established in the conditional use process. In addition, full service restaurants serving alcoholic beverages or with 30 seats or more may be permitted only on waterfront properties with a publicly accessible waterfront walkway in the area located south of 71 Street.
- (3) The accessory uses in the TC-3 district are those uses customarily associated with the district purpose, as set forth in article IV, division 2 of this chapter, except that hotels may have accessory uses based upon the criteria below:
- a. Hotels in the TC-3 district may include a dining room operated solely for registered hotel visitors and their guests, located inside the building and not visible from the street, with no exterior signs, entrances or exits except as required by the Florida Building Code.
- b. Hotels in the TC-3(c) district may include accessory restaurants or bars when approved as part of the Conditional Use. Such accessory restaurants or bars that serve alcohol shall be limited to a maximum of 1.25 seats per hotel or apartment unit for the entire site. The patron occupant load, as determined by the planning director or designee, for all accessory restaurants and bars that serve alcohol on the entire site shall not exceed 1.5 persons per hotel and/or apartment unit. For a hotel or apartment property of less than 32 units, the restaurant or bar may have a maximum of 40 seats in the aggregate on the site. The number of units shall be those that result after any

renovation. Accessory restaurants and bars shall be permitted to sell alcoholic beverages for consumption only on the premises and shall be limited to closing no later than 12 midnight subject to limitations established in the conditional use process.

- c. Hotels located in the TC-3 or TC-3(c) districts may have other accessory uses customarily associated with the operation of an apartment building, as referenced in subsection 142-902(2), for the use of registered hotel visitors and their guests only.
- (4) The *prohibited uses* in the TC-3 district are accessory dance halls, accessory entertainment establishments, accessory neighborhood impact establishments, accessory outdoor entertainment establishment, accessory open air or outdoor entertainment establishment, as set forth in article V, division 6 of this chapter, accessory outdoor bar counter and alcoholic beverage establishments located in any open area above the ground floor (any area that is not included in the FAR calculations). However, outdoor restaurant seating, not exceeding 40 seats, associated with indoor venues may be permitted in any open area above the ground floor until 8:00 PM with no background music (amplified or nonamplified).
- (5) There shall be no variances to these provisions.
- (d) Ordinances elsewhere in these land development regulations that refer to the zoning districts that existed prior to this amendment, i.e., RM-1, CD-2, and CD-3, shall remain applicable to the properties lying within these TC-1, -2, and -3 districts, as if each such reference was amended to correspond to the new TC districts (RM-1 as to TC-3; CD-2 as to TC-2; and CD-3 as to TC-1), unless a provision in the TC districts expressly addresses the matter, in which case the TC regulation shall control.

Sec. 142-737. Development Regulations

- (a) The development regulations in the TC-1, TC-2 and TC-3 Town Center districts are as follows:

TABLE INSET (1)

<u>District</u>	<u>Maximum Floor Area Ratio (FAR)</u>	<u>Maximum building height</u>	<u>Maximum number of stories</u>
<u>TC-1 Town Center Core</u>	For lots equal to or less than 45,000 sq. ft. — 2.25 For lots greater than 45,000 sq. ft. — 2.75.	75 feet; however, buildings fronting on 71 Street shall not exceed 50 feet in height, except that any portion of the building above 50 feet shall be set back an additional 1 foot for every 1 foot in height above 50 feet.	<u>7 stories</u>
<u>TC-2 Town Center Mixed Use</u>	1.5; except for mixed use buildings where more than 25 percent of the total area of a building is used for residential or hotel units, the maximum FAR shall be 2.0.	50 feet	<u>5 stories</u>
<u>TC-3 Town Center Residential Office</u>	1.25	45 feet; Waterfront lots — 50 feet; Parking garages as a main use see section 130-68(9). The facade of buildings facing the lot front adjacent to streets shall not exceed 23 feet in height to the top of the roof deck. Any portion of the building above 23 feet shall be set back an additional 1 foot for every 1 foot in height above 23 feet. The rear facade of buildings shall be set back an additional 1 foot for every 1 foot in height above 33 feet.	<u>4 stories.</u> <u>Waterfront lots — 5 stories</u>

TABLE INSET (2)

<u>District</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>	<u>Minimum Apartment Unit Size (square feet)</u>	<u>Average Apartment Unit Size (square feet)</u>
<u>TC-1 Town Center Core</u>	<u>Commercial – none</u>	<u>Commercial – none</u>	<u>Commercial – N/A</u>	<u>Commercial – N/A</u>
<u>TC-2 Town Center Mixed Use</u>	<u>Residential – 6,250 sq. ft.</u>	<u>Residential – 50 feet</u>	<u>New construction – 550</u>	<u>New construction – 800 sq. ft.</u>
<u>TC-3 Town Center Residential Office</u>			<u>Rehabilitated building – 400</u>	<u>Rehabilitated building – no minimum</u>
			<u>Elderly housing – see Sec. 142-1183</u>	<u>Elderly housing – see Sec. 142-1183</u>
			<u>Hotel units – 15% 300-335 85% 335+</u>	<u>Hotel units – N/A</u>

- (b) Setback Requirements: The minimum setback requirements for the TC-1, TC-2 and TC-3 districts are as follows. This includes all buildings, regardless of use, and subterranean parking structures. The minimum setbacks define the buildable area of the lot.

<u>District</u>	<u>Front</u>	<u>Side Facing a Street</u>	<u>Interior Side</u>	<u>Rear</u>
<u>TC-1 Town Center Core</u>	<u>5 feet</u>	<u>5 feet</u>	<u>10 feet when abutting a TC-3 district or a future alley designated on the Infill Regulating Plan; otherwise it shall be 0 feet.</u>	<u>0 feet* abutting an alley or where there is a side lot line abutting 71 Street; otherwise 10 feet.</u> <u>*Properties between Collins Ave. and Harding Ave. must provide access to the interior of the block for service vehicles as determined by the design review process.</u>
<u>TC-2 Town Center Mixed use</u>	<u>5 feet</u>	<u>5 feet</u>	<u>10 feet when abutting a TC-3 district or a future alley designated on the Infill Regulating Plan; otherwise it shall be 0 feet.</u>	<u>0 feet* abutting an alley or where there is a side lot line abutting 71 Street; otherwise 10 feet.</u> <u>*Properties between Collins Ave. and Harding Ave. must provide access to the interior of the block for service vehicles as determined by the design review process.</u>

District	Front	Side Facing a Street	Interior Side	Rear
TC-3 Town Center Residential Office	15 feet	7.5 feet for lots 50 feet wide or less 10 feet for lots greater than 50 feet in width	7.5 feet for buildings up to 33 feet in height; 10 feet for buildings 33 feet or more in height; 10 feet for lots abutting a TC-1 district	10 feet

- (1) Waterfront setbacks: Notwithstanding the above, for waterfront properties the minimum setback shall be ~~20~~ 30 feet from the bulkhead. However, if public waterfront walkways are provided, along with covenants and provisions to ensure public use and maintenance of these walkways in perpetuity, then the Design Review Board may allow the waterfront setback be decreased to not less than 15 feet. Design and use of waterfront walkways shall be in conformance with the NBTC Design Standards referenced in Sec. 142-738.
 - (2) Surface parking lots: In the TC-1 and TC-2 districts, the minimum setback for surface parking lots shall be the same as for buildings plus an additional 5 feet for landscaping adjacent to all streets. In the TC-3 district the minimum setback for surface parking lots shall be 5 feet adjacent to interior side lot lines, 0 feet abutting an alley and the same as for building setbacks on all other sides.
 - (3) Rooftop features: In the TC-3 district, stairwell and elevator bulkheads and other rooftop features permissible in Section 142-1161 extending above the roofline of a building shall be required to be set back from the main building 1 foot for every 1 foot in height above the top of the roof deck of each level, with the exception of parapet walls which shall not exceed 3.5 feet in height.
- (c) Required Storefront Frontage. The ground story frontage of a building along 71 Street and Collins Avenue shall house active uses that contribute to a daily vibrant street life, including retail uses, eating and drinking establishments or cultural uses, for a minimum depth of 25 feet from the street façade along a minimum of 75 percent of the building frontage, which shall have glass storefronts. The remaining frontage may be used for lobby and access for upper story uses. Offices and residential uses are prohibited on the ground story street frontage of these streets unless the use is located on a mezzanine or at least 25 feet back from the street façade.
- (1) Retail Kiosks – Notwithstanding Sections 70-5, 70-41 and 142-874, open air kiosks for retail sales or food service may be placed in or on the edge of surface parking lots or approved Urban Plazas in the TC-1

district. Such kiosks shall be permanent structures, designed and located to enhance and enliven the pedestrian environment and must receive design review approval. Self-service kiosks and vending machines are prohibited. No storage shall be allowed outside of the kiosks.

- (d) Open space. For lots in the TC-1 and TC-2 districts, sites lot area over 20,000 square feet shall have ground level open space which shall comprise a minimum of 10% 5% of the lot area. Such open space shall be located adjoining the front or side street of the site, or within a central courtyard area that is fully accessible to the public from the front or street side of the property; and shall be designed and maintained according to the Urban Plaza design standards in the NBTC Design Standards referenced in Sec. 142-738.
- ~~(e) Waterfront Pedestrian Walkway. The Waterfront Pedestrian Walkway is required to provide public access to parcels which are allowed to have uses open to the public. Waterfront lots shall provide a publicly accessible Waterfront Pedestrian Walkway along the entire length of the shoreline. The area within a Waterfront Pedestrian Walkway shall be a public access easement. The walkway shall be included within the required waterfront setback. The easement width for these walkways shall be a minimum of 10 feet in width with a paved walkway not less than 7 feet wide. Design of the Waterfront Pedestrian Walkway shall be substantially in accord with NBTC Design Standards referenced in Sec. 142-738. A covenant confirming public access between the hours of 6 AM and 9 PM, subject to the review and approval by the City Attorney, shall be recorded before the issuance of any permits for the redevelopment project.~~
- (f) Alleys shall be provided to benefit property owners and the general public by providing parking, service and delivery access to the rear of all lots, thereby improving traffic flow and eliminating driveways that create vehicle/pedestrian conflicts on public sidewalks. Motor vehicle parking, service and delivery access shall be from an alley wherever one exists, or where a new alley or service corridor can be created by dedication or easement. The location of new alleys shall be determined by the design review process with the intent to ensure that all properties within a block will have existing or future service access from the rear. Generally, the alley will be located in the required setback area along the rear or interior side lot line; however, this may be adjusted to optimize vehicular and pedestrian access to the subject property as well as to the surrounding properties. Where an alley does not exist, the abutting property owner shall dedicate sufficient width [the area within the required setback] to provide the alley abutting his property. Where it is not feasible to construct an alley at the time of redevelopment of any property, as determined by the Planning Director, the developer shall execute and record a covenant effecting such dedication upon certification by the Planning Director that the construction of an alley has become feasible. The Planning Director may accept a perpetual access easement for an alley in lieu of dedication of an alley if he determines such would be appropriate under the

circumstances of any particular property. The developer shall maintain the area until the City builds the alley.

- (g) Encroachments. No encroachments shall be allowed in the required setback areas except as follows; otherwise, encroachments shall be governed by Section 142-1142
 - (1) In the TC-1 and TC-2 districts, no encroachments shall be allowed in the first 7.5 feet above ground level adjacent to all streets.
 - (2) In the TC-3 district, no encroachment shall be allowed in the first 5 feet of setback area measured from the property line adjacent to all streets.
 - (3) In all districts, no encroachment shall be allowed in the first 18 feet above grade abutting an existing or future alley.
- (h) Signs shall be regulated by Chapter 138 and as permitted by Sec. 138-174 and by the NBTC Design Standards referenced in Sec. 142-738.
- (i) Streetscape improvements. In all TC districts, the developer/property owner is required to construct all streetscape improvements substantially in accord with the NBTC Design Standards referenced in Sec. 142-738 as part of any development or redevelopment project.

Sec. 142-738. Design Review Standards

Design Review Standards. All development shall substantially conform to the "Design Review Standards for the North Beach Town Center TC Zoning Districts", also known as the "NBTC Design Standards", as adopted and amended periodically by the Design Review Board. The NBTC Design Standards are available from the Planning Department or on the web at miamibeachfl.gov/planning, by clicking on "Design Review".

Sec. 142-739. Parking

- (a) Off-Street Parking for motorized vehicles
 - (1) Purpose: Parking regulations in the North Beach Town Center are intended to: provide centralized public parking garages to serve the Town Center and minimize the amount of on-site parking required for individual lots, thereby reducing building bulk and maximizing ground floor space available for retail and restaurant uses; enable people to park once at a convenient location and to access a variety of commercial enterprises in pedestrian friendly environments by encouraging shared parking; reduce diffused, inefficient, single-purpose reserved parking; encourage ground floor retail uses and

public facilities; promote walking, bicycling and transit ridership to help reduce the demand for parking within the district; avoid adverse parking impacts on neighborhoods adjacent to the Town Center; maximize on-street parking where possible; increase visibility and accessibility of parking; provide flexibility for redevelopment of small sites; and for the preservation of historic buildings; promote early prototype mixed-use projects using flexible and creative incentives.

- (2) Required parking in the North Beach Town Center is governed by Chapter 130 Off-Street Parking, except as modified herein.
- a Minimum parking requirements for the TC-1 Town Center Core district are set forth in Parking District No 4 in Sec.130-33, except that apartment buildings shall provide: 1.0 space per unit for units between 550 and 799 square feet; 1.25 spaces per unit for units between 800 and 999 square feet; 1.5 spaces per unit for units between 1000 and 1200 square feet; 2.0 spaces per unit for units above 1200 square feet.
 - b Minimum parking requirements for the TC-2 Town Center Mixed Use district are set forth in Parking District No 1 in Sec.130-32, except that apartment buildings shall provide: 1.0 space per unit for units between 550 and 799 square feet; 1.25 spaces per unit for units between 800 and 999 square feet; 1.5 spaces per unit for units between 1000 and 1200 square feet; 2.0 spaces per unit for units above 1200 square feet.
 - c Minimum parking requirements for the TC-3 Town Center Residential Office district are set forth in Parking District No 1 in Sec.130-32, except that apartment buildings shall provide: 1.0 space per unit for units between 550 and 799 square feet; 1.25 spaces per unit for units between 800 and 999 square feet; 1.5 spaces per unit for units between 1000 and 1200 square feet; 2.0 spaces per unit for units above 1200 square feet.
 - d Parking requirements may be met either on-site or off-site within a distance of 800 feet from the subject lot, subject to Sec. 130-36(b).
 - e Mixed use development is encouraged to utilize the Shared Parking calculations in Section 130-221. Parking for residential uses may be included in the Shared Parking calculation at a rate of 50% for daytime weekdays, 70% for daytime weekends and 100% for all other times. Shared Parking shall be designated by appropriate signage and markings. The Shared Parking facility may be located off-site within 800 feet of the uses served, subject to Sec. 130-36(b).

- f Developments that provide a significant public amenity such as an Urban Plaza (minimum 3,000 sq. ft.) in accord with the NBTC Design Standards referenced in Sec. 142-738, or floor area for a public library (minimum 6,000 sq. ft. and maximum 15,000 sq. ft.) may be exempted from parking requirements for all uses on the site at a rate of one parking space for every 500 square feet of Urban Plaza space or one parking space for every 250 square feet of library space.
- g New construction of "live-work" projects shall meet the parking requirements for either residential or commercial uses, whichever is greater, but shall not be required to meet the parking requirement for both uses. For purposes of this section, a "live-work" unit is defined as a unit containing both a residential and commercial component within the same unit.
- (b) Bicycle Parking. Short term and long term bicycle parking shall be provided for new construction or substantial rehabilitation over 1,000 sq. ft. according to the minimum standards in the table below.
- (1) Short Term bicycle parking (bicycle racks) serves people who leave their bicycles for relatively short periods of time, typically for shopping, recreation, eating or errands. Bicycle racks should be located in a highly visible location near the main entrance to the use.
- (2) Long Term bicycle parking includes facilities that provide a high level of security such as bicycle lockers, bicycle cages and bicycle stations. These facilities serve people who frequently leave their bicycles at the same location for the day or overnight.

TABLE INSET

<u>Land use</u>	<u>Minimum short term bicycle parking spaces (whichever is greater)</u>	<u>Minimum long term bicycle parking spaces (whichever is greater)</u>
<u>Commercial non-retail</u>	<u>4 per project or 1 per 10,000 sq. ft.</u>	<u>1 per 10% of employees or 2 for 5,000 sq ft and under 3 for 5,001-20,000 sq. ft 6 for 20,001 – 50,000 sq. ft. 10 for 50,000 sq. ft. and over</u>
<u>Retail</u>	<u>1 per business, 4 per project or 1 per 5,000 sq. ft.</u>	<u>1 per 10% of employees or 2 for 5,000 sq ft and under 3 for 5,001-20,000 sq. ft 6 for 20,001 – 50,000 sq. ft. 10 for 50,000 sq. ft. and over</u>
<u>Restaurants, bars, nightclubs</u>	<u>1 per 10 seats or occupants</u>	<u>1 per 10% of employees</u>
<u>Hotel</u>	<u>2 per hotel or 1 per 10 rooms</u>	<u>1 per 10% of employees</u>

<u>Multifamily residential</u>	<u>4 per project or 1 per 10 units</u>	<u>1 per unit</u>
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- (c) Developers are encouraged to provide more than the minimum requirement as appropriate for the particular uses in a building. The minimum required vehicular parking may be reduced by: 1 space for every 5 long term bicycle parking spaces and/or 1 space for every 10 short term bicycle parking spaces, not to exceed a total of 15 percent of the required vehicle parking spaces.
- (d) Nonresidential uses that provide showers and changing facilities for bicyclists shall be exempted from vehicle parking requirements at a rate of 2 vehicle parking spaces for each separate shower up to a maximum of 8 parking spaces.
- (e) In the TC-1 and TC-2 districts, short term bicycle parking spaces may be provided in the public right-of-way, subject to design review, in situations where suitable space near the entrance to the building or storefront is not available on private property. Bicycle parking in the public right-of-way shall be approved by the Public Works Department and shall not encroach on the pedestrian thoroughway zone.

SECTION 3: The City of Miami Beach Code Chapter 130 Off-Street Parking, Article II Districts; Requirements, Sec. 130-31 Parking districts established, and Article III Design Standards, Sec. 130-68. Commercial and noncommercial parking garages, are hereby amended as follows:

Sec. 130-31. Parking districts established.

- (a) For the purposes of establishing off-street parking requirements, the city shall be divided into four parking districts.
- (1) Parking district no. 1. Parking district no. 1 is that area not included in parking districts nos. 2, 3 and 4.
 - (2) Parking district no. 2. Parking district no. 2 includes those properties with a lot line on Lincoln Road from the west side of Washington Avenue to the east side of Alton Road and those properties north of Lincoln Road and south of 17th Street from the west side of Washington Avenue to the east side of Lenox Court.
 - (3) Parking district no. 3. Parking district no. 3 includes those properties with a lot line on Arthur Godfrey Road from the east side of Alton Road to west side of Indian Creek Waterway.
 - (4) Parking district no. 4. Parking district no. 4 includes those properties within the ~~CD-2 and CD-3~~ TC-1 and TC-2 commercial districts in the North Beach Town Center and those properties with a lot line on 71st Street from the west side of Collins Avenue Indian Creek waterway to the east side of Rue Notre Dame, and those properties with a lot line on Normandy Drive from the west side of the Indian Creek Waterway to the east side of Rue Notre Dame.
- (b) There shall be no off-street parking requirement for main or accessory uses associated with buildings that existed prior to October 1, 1993, which are (i) located within the architectural district, (ii) a contributing building within a local historic district, or (iii) individually designated historic building. This provision shall not apply to renovations and new additions to existing buildings which create or add floor area to new construction which has a parking requirement.

* * *

Sec. 130-68. Commercial and noncommercial parking garages.

Commercial and noncommercial parking garages as a main use on a separate lot shall be subject to the following regulations, in addition to the other regulations of this article:

* * *

(9) When located in the TC-3 and GU districts located within TC-3 districts in the North Beach Town Center area, the following regulations shall apply:

- a. When a parking garage is located in the TC-3 district, such garage may also have first floor space occupied for commercial uses, subject to conditional use approval.
- b. Residential or commercial uses shall be incorporated at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, ~~the~~ required residential or commercial space ~~may~~ shall accommodate entrance and exit drives for vehicles, inclusive of ramping running parallel to the street.
- c. When the subject site is abutting or separated by an alley from a TC-1 district, the garage may also serve commercial uses.
- d. In no instance shall the above described combined residential and/or commercial space exceed ~~25~~ 35 percent of the total floor area of the structure.
- e. Additionally, in no instance shall the amount of floor area of the structure used for parking, exclusive of the required parking for the above described residential or commercial space, be less than 50 percent of the total floor area of the structure, so as to insure that the structure's main use is as a parking garage.
- f. The height limit shall be 50 feet.
- g. Setbacks shall be the same as the setbacks for the TC-3 zoning district, except that parking garages on lots with a front yard facing a street right-of-way greater than 50 feet in width, shall have a minimum front yard setback of 10 feet.
- h. The volume of such commercial and noncommercial parking garages shall be limited by the required setbacks and heights described within this section and shall not be subject to the floor area ratios prescribed for in the underlying zoning district.
- i. Signage for commercial uses allowable under this provision shall be governed by the TC-3 district regulations.

SECTION 4. The City of Miami Beach Code Chapter 138 Signs is hereby amended as follows:

* * *

Sec. 138-6. Signs located on the valance and underside of awnings or canopies.

In addition to other permitted signs, a non-illuminated sign, not exceeding three square feet in area with letters not exceeding six inches in height, hanging from the underside of an awning or canopy with a minimum height clearance of seven feet six inches is permitted, except in the TC-1 and TC-2 districts which shall be governed by Sec. 138-174. One sign on the valance of an awning or canopy may also be permitted; the length of such sign shall not exceed 25 percent of the length of a single awning, or the length of that portion of the awning or canopy associated with the establishment, up to a maximum of ten square feet and letters shall not exceed eight inches in height. Signs on continuous awnings shall be placed centered on the portion of the valance that corresponds to the individual storefront and be a uniform color. All valance signs shall be subject to the design review process. For purposes of this section, a valance is defined as that vertical portion of the awning that hangs down from the structural brace. Signs on other surface areas of an awning, canopy or roller curtain are not permitted.

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Sec. 138-7. Window signs.

* * *

(c) When there are no other signs associated with the use, the main permitted sign or signs may be located on the window with a total aggregate size not to exceed 20 square feet, except in the TC-1 and TC-2 districts which shall be governed by Sec. 138-174.

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Sec. 138-172. Schedule of sign regulations for principal use signs.

TABLE INSET:

Zoning District	Number	Awning / Marquee	Flat	Projecting	Detached (Monument)	Accessory Signs	Special Conditions
RS-1 RS-2 RS-3 RS-4	Residential use: One sign per street frontage that has copy limited to the name of the building.	Not permitted.	Residential use: Six-inch letters.	Not permitted.	Not permitted.	Not permitted.	30 square feet for a religious institution, public and semipublic uses, clubs or schools.
RM-1 RM-2 RM-3 R-PS 1 R-PS 2 R-PS 3 R-PS 4 RO <u>TC-3</u>	No more than one sign identifying the main permitted uses for each street frontage. Unless otherwise listed in	Ten square feet; the height of the letters shall not exceed 12 inches. Not permitted in the RM-3 district. Not permitted in	One per street frontage; ten square feet for every 50 feet of linear frontage, or fraction thereof, up to maximum of 30 square	15 square feet Not permitted in the RM-3 district. Not permitted in RO.	15 square feet, however, if sign is set back 20 feet from front property line, area may be increased to a maximum of 30 square feet. Pole signs are not permitted.	One sign for all accessory uses; area of sign shall not exceed 75 percent of the main use sign, 20 square feet maximum.	1. Maximum size for schools is 30 square feet. 2. Signs shall not have copy indicating prices. 3. An exterior

	section 138-171, all signs must front on a street.	RO.	feet. Flat signs shall not be located above the ground floor.		Existing pole signs may be repaired only as provided in section 138-10. Notwithstanding the above, a detached sign located on a perimeter wall shall be limited to five square feet and shall not have to comply with the setback requirements of section 138-9. The height and size of the monument structure shall be determined under the design review process except as provided herein. In the RO districts, sign area shall not exceed 10 square feet, and the monument structure shall not exceed five (5) feet in height.	However, in the RM-3 district only detached accessory signs are permitted.	directory sign, attached to the building up to six square feet, listing the names of all licensed uses within the building is permitted; sign material and placement shall be subject to approval through the design review process.
CD-1 CD-2 CD-3 C-PS 1 C-PS 2 C-PS 3 C-PS 4 I-1 MXE <u>TC-1</u> <u>TC-2</u>	One sign per street frontage for each licensed principal and licensed accessory use, however, multiple signs for the same licensed establishment may be permitted through the design review procedure if the aggregate sign area does not exceed the maximum size permitted under this subsection.	Awning: See section 138-6. Marquee: 175 square feet only in commercial districts.	20 square feet for the first 25 feet of linear frontage, plus one square foot for every three feet of linear frontage over 25 feet up to a maximum of 30 square feet; however one building identification sign for buildings two stories or higher, located on the parapet facing a street, is permitted with an area not to exceed one percent of the wall area on which it is	15 square feet.	15 square feet. Pole signs are not permitted. Existing pole signs may be repaired only as provided in section 138-10. Detached signs are not permitted in the MXE district. The height and size of the monument shall be determined under the design review process.	One for each accessory use; area of each sign shall not exceed one square foot per linear foot of frontage not to exceed 20 square feet. A directory sign, up to six square feet, listing the name of all licensed uses within the building is permitted. No signs shall have copy indicating prices except as provided in this article. For properties fronting	

			placed. Corner buildings may provide one combined sign instead of the two permitted signs. This sign shall be located on the corner of the building visible from both streets and shall have a maximum size of 40 square feet.			Lincoln Road, between Collins Avenue and Washington Avenue, see section 138-173.	
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Sec. 138-174. North Beach Town Center Signage

For those properties located in the North Beach Town Center TC zoning districts, the following shall apply:

- (1) Window signs in the TC-1 and TC-2 districts. When there are no other flat wall signs associated with the use, the main permitted sign or signs may be located on the ground floor window with a total aggregate size of 20 square feet for the first 25 feet of linear frontage, plus 1 square foot for every three feet of linear frontage up to a maximum of 30 square feet.
- (2) Awning/Marquis signs and Projecting signs in the TC-1 and TC-2 districts. Signs oriented to pedestrian view shall be permitted to be located perpendicular to the sidewalk, limited to one sign per business establishment for each side facing a street or alley. Such signs may be in addition to other permitted signs, but not exceeding three square feet in area. Generally, letters shall not exceed 6 inches in height unless integrated into a creative graphic design approved by design review. Such signs may be illuminated by an external lighting source if the lighting source is approved by design review.

SECTION 5. The City of Miami Beach Code Chapter 142 Zoning Districts and Regulations, Division 4 Alcoholic Beverages, is hereby amended as follows:

Sec. 142-1301. Permitted districts.

Vendors may be permitted to sell or distribute alcoholic beverages, either for consumption on or off the premises only in the following zoning districts:

- (1) RM-2 multiple-family, medium intensity.
- (2) RM-3 multiple-family, high intensity.
- (3) CD-1 commercial, low intensity.
- (4) CD-2 commercial, medium intensity.
- (5) CD-3 commercial, high intensity.
- (6) CCC convention center district.
- (7) HD hospital district.
- (8) I-1 industrial, light.
- (9) MR marine recreational.
- (10) MXE mixed use entertainment.
- (11) WD-1 waterway district.
- (12) WD-2 waterway district.
- (13) R-PS2 residential medium density.
- (14) R-PS3 residential medium-high density.
- (15) R-PS4 residential high density.
- (16) C-PS1 commercial limited mixed use.
- (17) C-PS2 commercial general mixed use.
- (18) C-PS3 commercial intensive mixed use.
- (19) C-PS4 commercial intensive phased bayside.
- (20) RM-PS1 residential limited mixed-use development.
- (21) TC-1 North Beach Town Center core
- (22) TC-2 North Beach Town Center mixed-use
- (23) TC-3 North Beach Town Center residential/office

Sec. 142-1302. Permitted main and accessory uses.

Vendors shall be permitted to sell alcoholic beverages within the zoning districts listed in section 142-1301 if such district permits as a permitted main use or accessory use one of the following: Restaurant, bar, alcoholic beverage establishment, outdoor cafe, private club, or golf clubhouse pursuant to the following standards:

- (1) Permitted main uses.
 - a. Restaurants, alcoholic beverage establishments, and private clubs shall be permitted to sell alcoholic beverages for consumption on the premises based upon the following; when beer and wine are served a minimum of 30 seats shall be provided; and when, beer, wine and liquor are served, a minimum of 60 seats shall be provided.

- b. Outdoor cafes, when visible from or facing a public street, shall have a minimum of 20 seats in order to be permitted to sell alcoholic beverages for consumption on the premises.
 - c. Outdoor cafes, when not visible from or on a public street, alley, or way, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.
 - d. Golf clubhouse; when located on a golf course, the sale of alcoholic beverages is permitted only for consumption on the premises.
- (2) Accessory uses. Hotels, apartment-hotels, or apartments, or any mixed use having a minimum of 100 apartment units or a minimum of 100 hotel units or which are located in the MXE district shall be permitted to have accessory uses which sell alcoholic beverages pursuant to the following minimum standards:
- a. Bars, alcoholic beverage establishments, restaurants, or private clubs which have a minimum of 40 seats shall be permitted to sell alcoholic beverages for consumption on or off the premises.
 - b. Outdoor cafes when visible from a public street which have a minimum of 20 seats are permitted to sell alcoholic beverages for consumption only on the premises.
 - c. Outdoor cafes when not visible from a public street, alley, or way, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.
 - d. Golf clubhouse; when located on a golf course, the sale of alcoholic beverages is permitted only for consumption on the premises.
- (3) Accessory uses which sell alcoholic beverages in the TC-1, TC-2, and TC-3 district shall be governed by the district use regulations in Sec. 142-746.

SECTION 6. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 7. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

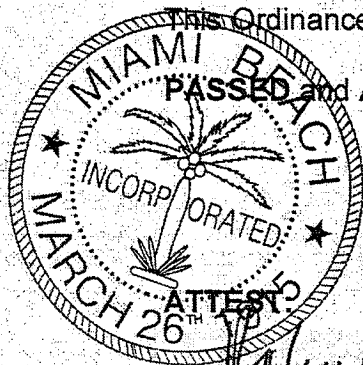
SECTION 8. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this 11th day of May, 2011.



Robert Sanchez
CITY CLERK

Mattie F. Bauer
MAYOR

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

[Signature] 5/4/11
City Attorney Date

First Reading: September 15, 2010

Second Reading: May 11, 2011

Verified by:

[Signature]
Richard Lorber, AICP, LEED
Acting Planning Director

5/12/11
Date

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